

REMARKS

Claims 1, 25 and 45 have been amended. Claims 1-64 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 112, First Paragraph, Rejection:

The Examiner rejected claims 1-64 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection for at least the following reasons.

The Examiner contends, “there does not appear to be support [in Applicants’ specification] for performing operations of peer-to-peer platforms that are explicitly separate from transport protocols.”

First, the Examiner rejects claims 1-64; however, independent claims 25 and 45 do not include the limitation regarding performing establishing, transmitting, receiving, and retransmitting *separately* from the network transport protocols. Thus, the Examiner’s § 112, first paragraph, rejection of claims 25-64 is clearly improper.

Second, the Examiner refers to page 76, lines 17-21 of Applicants’ specification. This portion of the specification describes that peer-to-peer platform core protocols “may be implemented using a common messaging layer” that “binds the protocols to various network transports.” However, the Examiner is attempting to improperly limit Applicants’ invention to a single example embodiment from the specification. As shown below, the specification also describes other embodiments. Moreover, even if the peer-to-peer protocols are bound to a network transport, that does not mean that the network transport layer has anything to do with the peer-to-peer protocol functions of establishing, transmitting, receiving, and retransmitting as recited in claim 1. Data transport layer may still function in its role and be completely unaware of the functions of establishing, transmitting, receiving, and retransmitting as recited in claim 1.

Applicants' specification states, "the peer-to-peer platform is preferable transport protocol independent" (page 22, lines 23-24). The specification also describes that "[t]he core components of the peer-to-peer protocol may be used to implement discovery mechanisms for searching, publishing and recovering of core abstractions" and that these mechanisms "may allow processes in the peer-to-peer network, in absence of help from other applications and/or services, to bootstrap and find out the information necessary to access applications and services that can help" (emphasis added, page 21, lines 1-7).

Furthermore, the specification section regarding "Reliable Connection" describing "mechanisms to implement reliable communications channels between peers" describes the retransmission of lost or dropped message and describes a mechanism that "may provide reliable delivery of messages over a network connection *regardless of the implementation of that connection*" (pages 51-58; and esp. page 53, lines 22-30) (emphasis added).

Thus, Applicants' submit the specification provides clear support for the limitation regarding performing establishing, transmitting, receiving, and retransmitting according to the peer-to-peer platform protocols and separately from the network transport protocols. As such, Applicants respectfully request removal of the § 112, first paragraph, rejection of claims 1-64.

Section 103(a) Rejections:

The Examiner rejected claims 1-3, 5-7, 11-15, 18, 22, 25-27, 29-31, 35-40, 43, 45-47, 49-51, 55-60 and 63 under 35 U.S.C. § 103(a) as being unpatentable over Davis et al. (U.S. Patent 6,105,064) (hereinafter "Davis") in view of Meyer et al. (U.S. Patent 6,992,982) (hereinafter "Meyer"), claims 4, 8-10, 28, 32-34, 48 and 52-54 as being unpatentable over Davis and Meyer in view of Barker et al. (U.S. Patent 5,931,916), claims 16 and 17 as being unpatentable over Davis and Meyer in view of Ivanoff (U.S. Patent 5,517,622), claims 19, 20, 21, 42, 61 and 62 as being unpatentable over Davis and

Meyer in view of Antur et al. (U.S. Patent 6,212,558) (hereinafter “Antur”), claim 21 as being unpatentable over Davis in view of Meyer, and claims 23, 24, 44 and 64 as being unpatentable over Davis in view of Zhu et al. (U.S. Patent 5,768,557) (hereinafter “Zhu”). Applicants respectfully traverse these rejections for at least the reasons presented below.

Regarding claim 1, contrary to the Examiner’s contentions, Davis in view of Meyer clearly fails to teach or suggest wherein said establishing, said transmitting, said receiving, and said retransmitting are performed according to at least one of the one or more peer-to-peer platform protocols and separately from the at least one network transport protocols. The Examiner admits that Davis fails to teach this limitation and relies on Meyers, citing column 5, lines 37-55 and claim 7. However, Applicants respectfully disagree with the Examiner’s interpretation of Meyers. Meyers describes a system for controlling data unit communications. Data is divided into data units that are transmitted between a sender and a receiver. While Meyers does teach that dropped or missed transmissions are retransmitted, **Meyers specifically relies upon the inherent retransmitting capabilities of the *transport protocol*.** Meyers details two data-loss prevention modes, one in which a data packet is missed and retransmitted and another where excessive delay is experienced but retransmission does not occur. In the former (which is the only one that involves retransmission), Meyers teaches that the normal, conventional data-loss prevention procedures “known from conventional TCP” are used (column 4, lines 4-10).

For example, Meyers states, while describing FIG. 1, that his invention relies on a “window-based flow control procedure”, such as is “well known from TCP” (column 5, lines 8-13). Similarly, Meyers teaches that if a data packet is lost, and not just delayed, “conventional measures against data unit loss” are used, and specifically refers to TCP (column 5, lines 55-62). Thus, Meyers’ system uses the inherent data loss prevention measures and functions of an underlying protocol (such as TCP) when a data packet is lost, and only if excessive delay is discovered, rather than missed or dropped packets,

will Meyer's system perform Meyer's separate protocol (without retransmission) to alleviate the excessive delay.

Also, as noted above, Meyers also relies specifically on the transport protocol to provide data packet acknowledgement and retransmission of lost or dropped packets. By teaching and relying on the use of transport protocols for communication, packet acknowledgement and retransmission, Davis and Meyers, whether considered singly or in combination, actually **teach away** from performing said establishing, said transmitting, said receiving, and said retransmitting are performed according to at least one of the one or more peer-to-peer platform protocols.

Furthermore, Davis and Meyer do not describe the particular peer-to-peer platform protocols recited in claim 1. For example, nowhere does Davis or Meyer describe any peer-to-peer platform protocols for enabling peers to discover each other. Davis is not concerned with peer discovery. Instead, Davis is concerned with dynamically adjusting the propagation rate of packets between sending and receiving nodes. Davis does not mention anything about endnodes discovering each other nor about any peer-to-peer platform protocols that enable Davis's endnodes to discover each other. Instead, Davis teaches the use of protocols such as TCP, UDP, SPX, IP, IPX and ATM, none of which enable peer nodes to discover each other.

For instance, Davis teaches that a channel may be established between a service on one endnode and a corresponding service on another endnode. Specifically, Davis teaches that one endnode will register itself as a service and a second application on the same or on another endnode asks to connect to that name and service type. The However, the mere fact that a channel may be established between two endnodes does not imply that the two nodes are "enabled to discover each other". As is well known in the art, two computer systems (e.g. endnodes) may communicate without discovering each other via a peer-to-peer platform protocol.

Similarly, Meyer, even if combined with Davis, is also not concerned with peer discovery. Instead, as described above, Meyer is concerned with ensuring that delay in the delivery of data packets is not mistakenly assumed to be dropped packets and in preventing the retransmission of delayed packets. **The concept of discovery has a specific meaning and is well understood in the art of network computing. None of the protocols discussed in Davis or Meyer are for peer nodes to discover one another.**

Furthermore, claim 1 does not recite merely that the nodes are enabled to discover each other. Instead, claim 1 recites particular peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and share content in the peer-to-peer environment, wherein to discover comprises obtaining an address for each discovered peer. **There are many ways that a device may obtain an address for another device that do not involve a peer-to-peer discovery protocol.** Davis and Meyer, whether considered singly or combination do not describe such a set of protocols as recited in claim 1.

Thus, both Davis and Meyers, whether considered singly or in combination, fails to teach or suggest the particular peer-to-peer platform protocols recited in claim 1 and further fail to teach or suggest wherein said establishing, said transmitting, said receiving, and said retransmitting are performed **according to at least one of the one or more peer-to-peer platform protocols.** Additionally, Davis and Meyers, whether considered singly or in combination, fail to teach or suggest wherein said establishing, said transmitting, said receiving, and said retransmitting are performed **separately from the at least one network transport protocols.**

For at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested.

In regards to claims 25 and 45, Davis in view of Meyer fails to teach or suggest wherein said establishing, said transmitting, said receiving, and said retransmitting are performed **according to at least one of the one or more peer-to-peer platform protocols**. As discussed above regarding claim 1, both Davis and Meyers specifically rely on network transports for various aspects of establishing, transmitting, receiving, and retransmitting communication between nodes. Davis makes no mention of peer-to-peer platforms or protocols at all and Meyers specifically relies on the network transport (e.g., TCP) inherent data packet acknowledgement and retransmission capabilities. Thus, Davis and Meyers, whether considered singly or in combination, clearly fail to teach or suggest wherein said establishing, said transmitting, said receiving, and said retransmitting are performed **according to at least one of the one or more peer-to-peer platform protocols**.

Additionally, as described above regarding claim 1, Davis and Meyers do not teach or suggest peer **implementing a peer-to-peer environment according to a peer-to-peer platform include peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and share content in the peer-to-peer environment**, wherein to discover comprises obtaining an address for each discovered peer. For example, as noted above, neither Davis nor Meyer, whether considered singly or in combination, are concerned with a peer-to-peer protocol enabling peer nodes to discover each other, where discovery includes obtaining an address identifying each discovered peer. While both Davis and Meyer may described node communicating with each other, as argued above, the mere fact that a channel may be established between two endnodes does not imply that the two nodes are “enabled to discover each other”. As is well known in the art, two computer systems (e.g. endnodes) may communicate without discovering each other via peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other.

Furthermore, as noted above, by teaching and relying on the use of transport protocols for communication, packet acknowledgement and retransmission, Davis and Meyers, whether considered singly or in combination, actually **teach away** from

performing said establishing, said transmitting, said receiving, and said retransmitting are performed according to at least one of the one or more peer-to-peer platform protocols.

For at least the reasons above, the rejection of claims 25 and 45 are not supported by the cited art and removal thereof is respectfully requested.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-07400/RCK.

Also enclosed herewith are the following items:

- ☐ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Robert C. Kowert/

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